

Notes:

- Proposed new language is shown underlined.
- Language [highlighted in brackets] may be withdrawn depending on the approval of companion Special Permit and Site Plan application.

### Proposed Text Change

TO AMEND:

- §4-5 Maximum Allowable Multi-Family Dwellings by amending standard #2, [if necessary]
- §5 “DEFINITIONS”, by adding a new “Below Market Rate Housing Units (BMRs)”, and
- §32 “Supplementary Use Regulations”, by adding NEW §32-26 “Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing” to read as follows:

#### **§4-5 Maximum Allowable Multi-Family Dwellings**

2. The first two-hundred (200) multi-family units approved under §32-15B, Age-Restricted Housing, per §32-15B.18, [Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing, per §32-26.15,] Exemptions and/or dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities.

#### **§5 DEFINITIONS**

##### **Below Market Rate Housing Units (BMRs):**

Housing units deed restricted to sell or rent for less than unrestricted market rate units which may or may not meet the definition of Connecticut General Statue §8-30g and/or other deed restricted housing units approved by the Planning and Zoning Commission to sell or rent at an amount affordable to families earning less than 100% of the Area Median Income.

#### **32-26 Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing**

##### **32-26.1 Purpose**

The purpose of this Regulation is to: a. preserve and adaptively reuse historic buildings listed on the Westport Historic Resource Inventory; b. eliminate nonresidential uses located within certain split zoned residential districts; c. encourage the increase in the diversity of housing choices; d. mitigate peak period traffic generation; and e. promote the health, safety and general welfare of the community. Notwithstanding any other provision of these regulations, when a proposal is to eliminate and/or abandon a nonresidential use located within a split zoned district involving Residence A and Residence B zone districts, and to substitute such nonresidential use with a multi-family dwelling use, then the standards of this subsection shall apply.

### **32-26.2 Permitted Uses**

Adaptive Reuse and/or Redevelopment of existing nonresidential buildings to Multi-Family Dwelling units shall be permitted under this Section, subject to a Special Permit and Site Plan approval in accordance with §43 and §44 of these Regulations except as otherwise provided herein.

### **32-26.3 Accessory Uses**

Accessory buildings, structures and uses including, but not limited to, facilities for recreation, maintenance, administration, off-street parking, storage and utilities serving the residential development may be permitted.

### **32-26.4 Density**

The maximum number of dwelling units for adaptive reuse and/or redevelopment of nonresidential buildings shall not exceed one (1) dwelling unit for each 1,600 square feet of gross floor area within the existing nonresidential. [The minimum number of Below Market Rate Housing Units (BMRs) required pursuant to §32-26.14 shall be exempt from this calculation when provided onsite.]

### **32-26.5 Floor Area**

- a. The total floor area of all proposed uses shall not exceed the existing floor area prior to redevelopment. Mechanical areas and garage parking spaces are exempt from this floor area requirement. Exempt garages may also include storage space provided such space meets the Attic definition of these Regulations. [BMRs required pursuant to §32-26.14 shall be exempt from this floor area requirement, which shall not exceed an additional 0.12 FAR.]

### **32-26.6 Setbacks**

Nonconforming Historic Structures may be allowed to remain and be redeveloped provided that any new building footprint shall comply with the setback requirements of the underlying zoning district.

### **32-26.7 Height and Stories**

Notwithstanding any requirements of the underlying zone(s) or §6-2, to encourage compatibility with Historic Structures proposed to remain, redeveloped buildings may be allowed the same height and stories as the existing Historic Structures, not to exceed three (3) stories or forty-five (45) feet. No accessory building or structure shall exceed 1 story and 20 feet as measured from the top of slab.

### **32-26.8 Coverage (See Definitions)**

Building Coverage shall not exceed thirty-five (35%) percent and Total Coverage shall not exceed seventy (70%) percent.

## **32-26.9 Signs**

Signs shall be permitted in accordance with §33 of the Supplementary Regulations except where an Historic Structure is to remain, a free-standing sign shall be a minimum of five (5) feet from any property line.

## **32-26.10 Parking**

Off-street parking shall be provided in accordance with §34 of the Supplementary Regulations, except drive aisles shall not be less than twenty four (24) feet in width. [The Planning and Zoning Commission may reduce the multifamily parking standards by up to 0.5 spaces per unit upon finding that the proposed parking can accommodate the proposed use and satisfies the Special Permit Standards provided by §44-6.]

## **32-26.11 Landscaping, Screening and Buffer Areas**

Where an Historic Structure is to remain on a site limited by easements for drainage, sanitary sewers, and/or utilities, and where existing landscaped areas are being increased by not less than 15% of the site area, a front landscaping buffer of not less than twenty-five (25) feet shall be maintained along site frontage(s) not occupied by a building. A comprehensive landscaping plan shall be approved by the Planning & Zoning Commission, where the Commission makes a finding that such design can be reasonably shown to moderate heat, noise, glare and accumulation of dust, to shade, to provide privacy from noise and visual intrusion and to prevent the erosion of the soil, excess run-off of drainage water and the consequent depletion of the ground water table and the pollution of water bodies, watercourses, wetlands, and aquifers and to guide the safe circulation of cars and people to parking lots. [Such plan may include offsite landscaping and screening subject to the administrative approval of the Planning & Zoning Commission, provided that written agreement of the owner(s) of said adjacent land and/or right-of-way is obtained, and where a recommendation of the Town Engineer is considered in the Commission's review to ensure there are no adverse impacts to vehicular and/or pedestrian movements and sight lines.] The standards of §35 shall not apply.

### **32-26.11.1**

Refuse collection areas shall be provided, screened, supplied with covered receptacles, and conveniently located to serve all dwelling units.

### **32-26.11.2**

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

### **32-26.11.3 Excavation and fill**

Excavation and filling of land to accommodate certain improvements shall comply with §32-8.2.3 of the Regulations, except that: slopes of up to 1 vertical to two horizontal (1V:2H) within 10' of the property lines, or within 10' of any surface bioretention area; and grading within five (5) feet of a property line, may be allowed for landscaping, stormwater and flood plain management related improvements.

Excavation and filling of land shall also comply with §32-8.3.2 of the Regulations, except that: a fill height ratio of up to 0.50 relative to the distance from the property line may be allowed for landscaping, stormwater and flood plain management related improvements.

[Where abutting a public or private right-of-way, grading on said right-of-way for the purposes of improving landscaping and screening may be approved administratively by the Planning & Zoning Commission, provided that written agreement of the owner(s) of said right-of-way is obtained and where a recommendation of the Town Engineer is considered in the Commission's review to ensure there are no adverse impacts to vehicular and/or pedestrian movements and sight lines.]

## **32-26.12 Utilities**

### **32-26.12.1**

All utilities and conduits within the lot shall be underground.

### **32-26.12.2**

All buildings shall be connected to a public water supply, suitable power supply and a public sanitary sewer line.

## **32-26.13 Architectural Design**

Special Permit applications shall be referred to the HDC and ARB for recommendations or to the Joint Committee of HDC and ARB for a combined recommendation.

## **32-26.14 Affordability Requirement**

### **32-26.14.1**

In conjunction with residential units proposed as part of this section, 20% of the proposed units shall be Below Market Rate Housing Units (BMRs). Of these units, at least half shall be affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g. Fractional units shall be rounded up.

### **32-26.14.2**

Said requirements may also be satisfied by the dedication of some or all of the BMRs offsite within the Town of Westport. The number, location, and design of such units shall be subject to approval by the Planning and Zoning Commission. All such offsite units shall be affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g.

## **[32-26.15 Multi-family Cap]**

[In order to encourage the preservation of Historic Structures, multifamily residential units in adaptively reused Historic Structures shall be exempt from the limitations of Section 4-5 of these regulations. Units in new construction shall not be exempt.]